

REMARKS

Claims 1, 2, 4, 6, 7, 9-15 and 21-22 are allowed. Claims 16, 17 and 20 remain rejected.

Claim 17 has been amended. Support for the features of claim 17 can be found, for example, at page 26 of the specification.

Claims 1, 2, 4, 6, 7, 9-17, 20 and 21-22 are currently pending. Reconsideration of the claims is respectfully requested.

I. REJECTION OF CLAIM 17 UNDER 35 U.S.C. 102(e) AS BEING ANTICIPATED BY KANEMAKI (U.S. PATENT NO. 6,229,820):

Kanemaki fails to disclose “a subscriber terminal ...comprising a path selecting device to select an unconnected path having a bandwidth which is largest among paths to provide a requested service...a received message processing device to determine whether there are any remaining paths which have to be set, and to instruct the path selecting device to select the path having the largest bandwidth among the remaining paths to provide the service when there is any path which has to be set, “ as recited in claim 17, for example.

Kanemaki merely discloses a network system and switching unit whereby a connection request message according to image data, text data and voice data is transferred to a CPU 15a (see column 9, lines 47-54 and lines 65-67). Further, the CPU 15 receives the data of the connection request, and reads a value of the already-used bandwidth and a value of the maximum allowable bandwidth from a bandwidth using condition table and takes a difference between these values, to thereby calculate a value of a usable bandwidth. The CPU then calculates a total value (a request bandwidth value) of the bandwidths (i.e., 10 Mbps, 64 Kbps, and 1Mbps), as shown in FIG. 9 and subtracts the total value of the request bandwidth from the usable bandwidth value. The CPU updates the bandwidth using condition table with respect to only the connection in which the bandwidth can be ensured. For example in column 12, lines 7-10, mentions that it is presumed that the usable bandwidth can be allocated to the connection for transmitting the image data and connection for transmitting the text data among the three connections. Thus, the values of the bandwidths (i.e., 10 Mbps and 64 Kbps) are added to the present already-used bandwidth value and then stored. Kanemaki fails to disclose “ **to select an unconnected path having a bandwidth which is largest among paths to provide a requested service... [and] to determine whether there are any remaining paths which have to be set, and to instruct the path selecting device to select the path having the**

largest bandwidth among the remaining paths to provide the service when there is any path which has to be set," as recited in claim 17. That is, in Kanemaki, the CPU selects the bandwidth corresponding to the image data along with the bandwidth corresponding to the text data, and does not select the bandwidth corresponding to the voice data even though the bandwidth for the voice data is larger than that of the text data. Thus, Kanemaki fails to disclose selecting the bandwidths in order by selecting the largest and then the largest of the remaining paths.

II. REJECTION OF CLAIMS 16 AND 20 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER THE APPLICANTS ADMITTED PRIOR ART (AAPA) IN VIEW OF KANEMAKI:

At page 3 of the Office Action, the Examiner admits that the AAPA fails to disclose all of the features of the present invention as recited in claim 16, for example. However, the Examiner asserts that Kanemaki makes up for the deficiencies of the AAPA.

Specifically, at pages 4 and 5 of the Office Action, the Examiner asserts that FIG. 9 of Kanemaki illustrates "sending a plurality of request messages from the subscriber to the switching system, in order from large bandwidth to small bandwidth, to set various bandwidths which correspond to the multiple paths required to provide the application service," as recited in claim 16, for example. Specifically, the Examiner asserts that the request messages in FIG. 9 are sent in order from Text 10Mbps to Voice 1Mbps. However, the Applicant respectfully submits that as illustrated in FIG. 9, the bandwidths illustrated in the connection request message are an image request bandwidth of 10 Mbps; Text request bandwidth of 64 Kbps; and Voice request bandwidth of 1 Mbps. As shown, the Text request bandwidth is the smallest of the three bandwidths. Therefore, the bandwidths are not in any particular order. That is, the bandwidths are not in order from largest bandwidth to smallest bandwidth.

Thus, the Applicant asserts that the combination of AAPA and Kanemaki fails to establish a prima facie case of obviousness over the present invention, as recited in claim 16, for example.

Claim 20 depends directly from claim 16. Thus, the comments mentioned above may be applied to claim 20 also. \

III. CONCLUSION:

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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